

Mr. Kyle moved that the Senate adjourn until to-morrow morning at 9 o'clock; lost.

Mr. McDade moved to suspend the call of the Senate; lost.

Mr. Hart moved a suspension of the call; lost.

Mr. Hart moved to adjourn until to-morrow morning at 9 o'clock; lost.

Mr. Whitaker moved a suspension of the call of the Senate; lost.

Mr. Durst moved to adjourn until to-morrow morning at 9 o'clock; lost.

Mr. Burks moved that the Senate adjourn until half-past two o'clock, P. M.; lost.

On motion of Mr. Jowers, the call of the Senate was suspended, and the motion of Mr. Kyle was lost by the following vote:

YEAS—Messrs. Allen, Armstrong, Burks, Gage, Guinn, Kyle, Superviele, Taylor, Weatherford, Whitaker and Wren—11.

NAYS—Messrs. Bryan, Doane, Durst, Edwards, Hill, Holland, Jowers, Lott, Lytle, Martin, McDade, Newman, Paschal, Potter, Scarborough, Scott and Sublett—17.

On motion of Mr. Jowers, the Senate adjourned until to-morrow morning at 10 o'clock.

TUESDAY, November 22, 1853.

The Senate was called to order by the President *pro tem.*, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Guinn, from the committee on Engrossed Bills, reported as correctly engrossed a bill to amend the second section of an act amending an act authorizing the county courts to regulate roads, appoint overseers, &c.

Mr. Newman, from the committee on the Penitentiary, to whom was referred a bill to repeal a joint resolution for the punishment of vagrants, approved January 10th, 1839, reported the same back to the Senate, and recommended its passage.

On motion of Mr. Lott, Mr. Charles G. Keenan, Senator elect from District No. 19, composed of the counties of Montgomery, Walker, Madison and Grimes, presented his credentials, took the oath prescribed by the Constitution and his seat.

Mr. Armstrong offered the following resolution:

*Resolved*, That the Commissioner of the General Land Office be requested to furnish the Senate with a list of all land titles,

testimonios and other grade of claims purporting to be derived from the Spanish or Mexican Government, and filed or deposited in said office since the first day of January, A. D. 1838, stating which are originals and which are testimonios, or other grade of claim, the names of the original grantees, date of issuance, amount of claim, and date of file or deposit; provided, that this resolution is not intended to include any title filed in said office by authority of special law; adopted.

Mr. Potter introduced a bill to amend the first and seventh sections of an act concerning writs of certiorari to justice's courts; read first time.

Mr. Sublett introduced a bill to provide for the erection of a residence for the Governor of the State; read first time.

Mr. Jowers, by leave, presented the petition of J. W. Parker, praying for relief; referred to the committee on Public Debt.

#### ORDERS OF THE DAY.

A bill to amend the 2d section of an act amending an act authorizing the county courts to regulate roads, appoint overseers, &c.; read third time and passed.

A bill to regulate mills and millers, together with the report of the committee on the Judiciary recommending a substitute therefor; read and substitute adopted.

Mr. Scott moved to amend the 2d section by striking out "five bushels;" carried.

Mr. Guinn moved to strike out "one-sixth," and insert "one-eighth," where it related to water and steam; lost.

Mr. Allen moved to amend by striking out "56," and insert "46;" lost.

On motion of Mr. Weatherford, the bill as amended was referred to a select committee.

Messrs. Weatherford, Martin, Gage, Kyle and Potter were appointed said committee.

A bill to authorize the sheriff of Calhoun county to execute deeds in certain cases; read second time, and, on motion of Mr. Lytle, referred to the committee on the Judiciary.

A bill to amend the third section of an act incorporating the Clarksville and Mount Pleasant Turnpike Company; read second time, and, on motion of Mr. Burks, referred to the committee on Roads, Bridges and Ferries.

A bill supplementary to an act to incorporate the Clarksville and Mount Pleasant Turnpike Company; read second time, and, on motion of Mr. Burks, referred to the same committee.

A bill to incorporate the Howard Association of Galveston;

read second time, and, on motion of Mr. Potter, referred to the committee on the Judiciary.

A bill to confirm the patent issued by the Commissioner of the General Land Office to Levi Jones and Edward Hall, on the 28th November, 1840; read second time, and, on motion of Mr. Bryan, referred to the same committee.

A bill requiring the Adjutant-General to issue to Robert Bartlett a bounty land warrant; read second time, and, on motion of Mr. Lott, referred to the committee on Public Lands.

A bill to remove certain land claims from the General Land Office; read second time, and, on motion of Mr. Gage, referred to the committee on the Judiciary.

A bill to permit and require Stewart Perry, or his assignee, to present his claim to the auditorial board; read second time, and, on motion of Mr. Jowers, referred to the committee on the Public Debt.

A bill to amend an act organizing the inferior courts, and defining the power and jurisdiction of the same; read second time, and, on motion of Mr. Armstrong, referred to the committee on the Judiciary.

A bill providing for the procurement and publication of certain land laws of Spain, Mexico and Coahuila and Texas, and for publishing the colony contracts; read second time, and, on motion of Mr. Potter, referred to the committee on the Judiciary.

Joint resolution authorizing and requiring the Commissioner of the General Land Office to issue a certificate for one-third of a league of land to Kleber Kilcreas; read second time, and, on motion of Mr. Potter, referred to the committee on Private Land Claims.

A bill appropriating five thousand dollars to pay the contingent expenses of both houses of the Legislature; read second time and ordered to be engrossed.

A bill making an appropriation for the *per diem* and mileage pay of the members, and the *per diem* pay of the officers of the fifth Legislature; read second time.

Mr. Lott moved to make it the special order of the day for the first of February next; lost.

The bill was then ordered to be engrossed.

A bill to amend a joint resolution for the relief of the heirs and assigns of Benjamin D. Nobles, deceased, approved December 31st, 1849; read second time, and ordered to be engrossed.

A bill relinquishing to the counties the State tax for the years 1854 and 1855, together with the amendment offered by Mr. Potter, being made the special order of to-day, were taken up.

Mr. Potter offered the following substitute for his amendment:

*Provided*, That the taxes thus relinquished shall be laid out and expended by the respective counties only for the erection and improvement of public buildings, bridges and roads, and the maintenance of schools; except that in such counties as have erected courthouses and jails, and are now indebted for the same, a sufficient amount of the funds hereby relinquished may be appropriated by such county or counties to the payment of such indebtedness; which was rejected by the following vote:

**YEAS**—Messrs. Bryan, Doane, Durst, Guinn, Hart, Hill, Kyle, Lytle, McAnelly, Potter, Scarborough, Sublett, Superviele and Taylor—14.

**NAYS**—Messrs. Allen, Armstrong, Burks, Edwards, Gage, Holland, Jowers, Keenan, Lott, Martin, McDade, Newman, Scott, Weatherford and Whitaker—15.

The question recurring upon the adoption of the amendment, it was lost by the following vote:

**YEAS**—Messrs. Bryan, Burks, Hart, Hill, Kyle, Lytle, McAnelly, Potter, Scarborough, Sublett, Superviele and Taylor—12.

**NAYS**—Messrs. Allen, Armstrong, Doane, Durst, Edwards, Gage, Guinn, Holland, Jowers, Keenan, Lott, Martin, McDade, Newman, Scott, Weatherford, Whitaker and Wren—18.

Mr. Bryan offered the following amendment:

Add to section 2d, "and the county courts shall exercise a general supervision over the assessor and collector and treasurer of their respective counties; and in case of any delinquency or default of said officers, said courts shall have power to remove or suspend said officers, and do any other thing necessary to the protection of the interests of the county and State, and the punishment of said offending officer or officers;" which was adopted by the following vote:

**YEAS**—Messrs. Bryan, Doane, Durst, Edwards, Guinn, Jowers, Keenan, Martin, McAnelly, Newman, Potter, Scarborough, Sublett, Superviele and Taylor—15.

**NAYS**—Messrs. Allen, Armstrong, Burks, Gage, Hart, Hill, Holland, Kyle, Lott, McDade, Scott, Weatherford, Whitaker and Wren—14.

Mr. McAnelly moved that the bill and amendment be laid on the table; lost by the following vote:

**YEAS**—Messrs. Hill, McAnelly, Potter, Sublett, Superviele and Wren—6.

**NAYS**—Messrs. Allen, Armstrong, Bryan, Burks, Doane, Durst, Edwards, Gage, Guinn, Hart, Holland, Jowers, Keenan,



Kyle, Lott, Martin, McDade, Newman, Scarborough, Scott, Taylor, Weatherford and Whitaker—23.

Mr. Bryan offered the following amendments:

Insert in third line in fourth section, after the word "heretofore," the words "and as provided for in section 2d." In same section, after "State of Texas," in twelfth line, insert "and county;" adopted.

Mr. Allen offered the following substitute for section 2d:

SEC. 2. *Be it enacted*, That the State taxes shall be collected as heretofore provided by law; and distributed among the several counties of the State according to free white population as hereinafter provided; which, on motion of Mr. Holland, was laid on the table by the following vote:

YEAS—Messrs. Bryan, Burks, Doane, Durst, Edwards, Ginn, Hill, Holland, Jowers, Keenan, Kyle, Lott, Martin, McAnelly, McDade, Newman, Potter, Scarborough, Scott, Sublett, Superviele, Taylor and Whitaker—23.

NAYS—Messrs. Allen, Armstrong, Gage, Hart, Weatherford and Wren—6.

Mr. Sublett offered the following substitute for the bill:

An act to relieve the people from taxation for the years 1854 and 1855; which was, on motion of Mr. Holland, laid on the table.

The bill was then ordered to be engrossed.

On motion of Mr. Jowers, the Senate adjourned until 10 o'clock to-morrow morning.

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WEDNESDAY, Nov. 23, 1853.

The Senate was called to order by the President pro tem., pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday read and adopted.

Mr. H. C. Pedigo, Senator elect from district No. 16, composed of the counties of Jefferson, Liberty, Polk, Trinity, Orange and Tyler, presented his credentials, was qualified and took his seat.

Mr. Potter, chairman of the committee on the Militia, to whom was referred a bill to amend an act concerning divorce and alimony, approved January 6th, 1841, reported the same back to the Senate and recommended its rejection.

Mr. Burks, chairman of the committee on the Militia, to whom was referred a bill setting apart and reserving two leagues of land around each military post on the frontier, for the present use and